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7 Attorneys for Defendants Kevin J. Albanese,
F.G. Crosthwaite, Thomas Holsman,
8 John M. Humber, and Richard Piombo

9
10 **UNITED STATES DISTRICT COURT**
11
12 **NORTHERN DISTRICT OF CALIFORNIA**

13 DAVID SLACK, individually, and on behalf of
14 all others similarly situated; JOHN JARBOE,
15 individually, and on behalf of all others similarly
16 situated; KEN BETTIS, individually, and on
behalf of all others similarly situated; KENNY
17 MENDOZA, individually, and on behalf of all
others similarly situated, CLYDE ELI,
18 individually, and on behalf of all others similarly
situated,

19 Plaintiffs,

20 vs.

21 INTERNATIONAL UNION OF OPERATING
22 ENGINEERS, a trade union, et al.,

23 Defendants.

24 Case No. 3:13-CV-05001-EMC

25 **STIPULATION AND [PROPOSED]
26 ORDER EXTENDING TIME FOR
27 DEFENDANTS TO BRING MOTION FOR
28 ATTORNEY'S FEES**

1 TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

2 This Stipulation is submitted pursuant to Local Rule 6-2 and is entered into by and between all
 3 Plaintiffs and Defendants represented by the undersigned counsel (collectively, the “Parties”) for the
 4 purpose of extending the time for Defendants’ to bring a motion for attorney’s fees.

5 1. The Court issued an Order on July 20, 2016 (Docket No. 331) **GRANTING**
 6 Defendants’ motion for summary judgment and **DENYING** Plaintiffs’ motion for
 7 summary adjudication as moot.

8 2. Concurrently with this Stipulation, the Parties are filing with the Court a proposed
 9 Judgment pursuant to the July 20, 2016 Order.

10 3. The Court is expected to enter a final judgment for purposes of Federal Rule of Civil
 11 Procedure 58(c).

12 4. Pursuant to Local Rule 54-5, a motion for award of attorney’s fees must be served and
 13 filed within 14 days of entry of judgment by the District Court.

14 5. Also pursuant to Local Rule 54-5, parties must meet and confer for the purposes of
 15 resolving all disputed issues relating to attorney’s fees before making a motion for
 16 award of attorney’s fees.

17 6. To accommodate the Parties’ efforts to meet and confer on Defendants’ attorney’s fee
 18 motion and related matters, the Parties have agreed to a 7 day extension of the 14 day
 19 period and respectfully ask the Court to enter the below extension in connection with
 20 Defendants’ time to bring a motion for award of attorney’s fees.

21 7. No prior time modification, by stipulation or Court order, has been provided in
 22 connection with an attorney’s fees motion in this action, and this Stipulation is not
 23 offered for any dilatory or improper purpose, but rather solely to effectively manage the
 24 scheduling of case events and to ensure the most efficient use of resources by the
 25 Court, the Parties, and their counsel as well as consider Parties’ scheduling
 26 commitments.

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8. This Stipulation for the extension of time to bring a motion for award of attorney's fees is without prejudice to subsequent stipulations by the Parties or requests by Defendants to further extend the time for Defendant's motion for attorney's fees.

STIPULATION

Pursuant to Local Rules 6-2 and 54-5, subject to the Court's approval, Plaintiffs and the Stipulating Defendants, hereby stipulate that:

1. Defendants' time to file and serve a motion for award of attorney's fees is extended from 14 days to 21 days following the date Judgment is entered.

Respectfully submitted,

Dated: July 29, 2016

COX CASTLE & NICHOLSON

By: /s/ Monica Briseño

Dwayne McKenzie
Monica Briseno
Attorneys for Defendants F.G. Crosthwaite, Rich
Piombo, Thomas Holsman, John Humber and Kevin
Albanese

Dated: July 29, 2016

LAW OFFICE OF KENNETH C. ABSALOM

By: /s/ Kenneth C. Absalom

Kenneth C. Absalom
George R. Nemiroff
Attorneys for Defendants Russell E. Burns, Dan Reding,
and Carl Goff

Dated: July 29, 2016

BERNS WEISS LLP

By: /s/ H. Scott Leviant

H. Scott Leviant
Jeffrey K. Berns
Lee A. Weiss
Albert G. Lum

LAW OFFICES OF J. MARK MOORE
J. Mark Moore

Attorneys for Plaintiffs

ECF CERTIFICATION

Pursuant to Local Rule 5-1(i)(3), the filing attorney attests that she has obtained concurrence regarding the filing of this document from the signatories to the document.

DATED: July 29, 2016

COX, CASTLE & NICHOLSON LLP

By: /s/ Monica Briseño
Dwayne McKenzie
Monica Briseno

Attorneys for Defendants F.G. Crosthwaite, Rich Piombo, Thomas Holsman, John Humber and Kevin Albanese

1 **ORDER**
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4 Pursuant to the foregoing Stipulation of counsel and for good cause shown, IT IS HEREBY
5 ORDERED that:

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8 1. Defendants' time to file a motion for award of attorney's fees is extended from 14 days
9 to 21 days following the date Judgment is entered.
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13 **IT IS SO ORDERED.**
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9 Dated: _____, 2016
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